

**STATE OF TENNESSEE DEPARTMENT OF HEALTH
BEFORE THE TENNESSEE BOARD OF NURSING**

IN THE MATTER OF:

**TEODORA A. NEAGU,
RESPONDENT**

**KNOXVILLE, TN
A.P.R.N. CERTIFICATE NO. 12684
R.N. LICENSE NO. 151980**

DOCKET NO. 17.19-138051A

AGREED ORDER

Comes now the Division of Health Related Boards of the Tennessee Department of Health ("Department"), by and through the Office of General Counsel, and Respondent, Teodora A. Neagu, A.P.N. ("Respondent"), and respectfully move the Tennessee Board of Nursing ("Board") for approval of this Agreed Order.

The Board is responsible for the regulation and supervision of nurses licensed to practice in the State of Tennessee pursuant to Tennessee Code Annotated Sections 63-7-101, *et seq.* ("the Practice Act"). It is the policy of the Board to require strict compliance with the laws of this State and to apply the laws to preserve the quality of medical care provided in Tennessee. It is the Board's duty to enforce the Practice Act in such a manner as to promote and protect public health, safety and welfare in every practical way, including disciplining licensees who violate the Practice Act and the rules and regulations promulgated pursuant to the Practice Act.

The Respondent, by signature to this Agreed Order, expressly waives all further procedural steps and all rights to seek judicial review of or to challenge or contest the validity of this Consent Order. Respondent agrees that presentation to and consideration of this Agreed Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board shall be prejudiced to the extent that requires

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disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions and statements disclosed or exchanged during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

Respondent understands that by signing this Agreed Order Respondent is allowing the Board to issue order without further process. In the event the Board rejects this Agreed Order for any reason, it will be of no force or effect for either party.

I. Findings of Fact

1. Respondent was at all times pertinent hereto licensed by the Board as a registered nurse in the State of Tennessee, having been granted license number 151980 on November 29, 2005 which expires on November 30, 2018.

2. Respondent has been at all times pertinent hereto certified by the Board as an advanced registered practice nurse ("APRN") in the State of Tennessee, having been granted license number 12684, as well as a Certificate of Fitness to prescribe, on July 16, 2007.

3. Pursuant to a complaint, the Department conducted an investigation that included the review of fifty-two (52) patient records prepared and kept by Respondent. The Department subsequently had ten (10) of those records reviewed by a third-party APRN.

4. Respondent was employed as an APRN at Bearden Healthcare Associates ("Bearden Healthcare"), a pain management clinic in Knoxville, Tennessee from 2008 to March 2013, during which time Dr. Frank McNeil was her supervising physician until he retired on December 25, 2012.

5. While working at Bearden Healthcare, Dr. McNeil informed Respondent that higher doses of opioids generally led to a greater degree of functionality and quality of life.

Thereafter, Respondent prescribed controlled substances in adherence to Dr. McNeil's philosophy.

6. In each of the charts reviewed there was objective evidence, including for example X-Rays, MRIs, and small fiber conduction studies, to support that the patients at issue suffered from conditions that might cause pain. However, Respondent's prescribing was non-therapeutic in nature, neither justified nor medically necessary for patients' diagnoses, and not for a legitimate purpose. Respondent's prescribing of controlled substances, while within adherence with Dr. McNeil's directives, fell below the minimum standard of care.

7. Respondent typically treated patients that had been receiving care from multiple providers at Bearden Healthcare prior to her encounter with the patient. As opposed to treating patients based upon her own medical judgment, Respondent often mimicked the previous treatment provided. This regularly included prescribing large amounts of controlled substances for which patient charts did not provide sufficient justification.

8. Since leaving Bearden Healthcare, Respondent has not regularly prescribed controlled substances. During 2015, Respondent wrote only three controlled substance prescriptions, all for Tramadol. Respondent has not written any controlled substance prescriptions since 2015.

9. Respondent has cooperated with the TDH in gathering facts regarding other practitioners who worked at Bearden Healthcare.

II. Stipulations of Law

The Stipulations of Fact herein constitute grounds for disciplining Respondent's license issued by the Board. Specifically, Respondent has violated the following provisions of the Practice Act, giving the Board authorization to take disciplinary action.

10. The facts stipulated constitute a violation of Tenn. Code Ann. § 63-7-115(a)(1)(F).

11. The facts stipulated constitute a violation of Rule 1000-01-.13(1):

(t) Over-prescribing, or prescribing in a manner inconsistent with Rules 1000-04-.08 and 1000-04-.09[.]

12. The facts stipulated constitute a violation of Rule 1000-04-.08 of the TENN. COMP. R. & REGS, which provides guidelines for proper prescribing for the treatment of pain.

III. Policy Statement

The Tennessee Board of Nursing has a duty to protect the health, safety, and welfare of the citizens of Tennessee. In supporting Tennessee Department of Health's ongoing battle against prescription drug abuse and overprescribing, the Board believes this action is necessary

IV. Order

Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

13. Respondent's Tennessee advanced practice registered nurse certificate number 12684 is hereby placed on **PROBATION** for a period of not less than five years.

14. During the term of her Probation, Respondent shall not prescribe more than a morphine equivalent daily dose of sixty (60 MEDD) to any one of Respondent's patients. Should Respondent prescribe in excess of Sixty (60) MEDD to any patient at any time during the course of her probation she shall be in violation of this Order.

15. Within one (1) year of the entry of this Order, Respondent shall enroll in and successfully complete the courses entitled "*Intensive Course in Medical Record Keeping*" and "*Prescribing Controlled Drugs: Critical issues and Common Pitfalls*" offered at The Case Western Reserve University Continuing Medical Education Program, or an equivalent course pre-approved by the Board's staff. Any CME course hours earned from attendance and completion of these courses required by this paragraph shall be in addition to the CME hours required to maintain licensure. Proof of successful completion shall be sent to:

Disciplinary Coordinator
Office of Investigations
Tennessee Department of Health
665 Mainstream Drive
Nashville, Tennessee 37243

Respondent shall not be required to complete the course work in this paragraph 15 if Respondent retires her license within one year of the entry of this Agreed Order.

16. At the expiration of five years and after successfully completing the terms of her Probation and complying with all the requirements of this Agreed Order, Respondent's probation shall be lifted.

17. Respondent shall provide full complete and truthful testimony in any disciplinary action against Dr. McNeil taken up by the Tennessee Board of Medical Examiners. Likewise, Respondent shall provide full complete and truthful testimony in any disciplinary action against any provider associated with Bearden Healthcare in front of any Tennessee licensing board. Failure to appear and provide truthful testimony, shall constitute a violation of this Order.

18. At the request of the TDH, whether or not any disciplinary action has been instituted, Respondent shall appear and provide an under oath statement setting forth her

knowledge of the operations or workings of Bearden Healthcare and or any licensee owning, managing, or employed by Bearden Healthcare.

19. In the event that the Respondent provides substantial information assisting the TDH in future disciplinary action against any other healthcare provider, the TDH, at its sole discretion, may seek modification of this Order. The TDH will also have the sole discretion in determining whether the Respondent has provided "substantial information". Any such modification sought by the TDH will be contingent upon approval by the Board, and nothing in this Order shall be construed as an implicit or explicit representation about any decision of the Board with respect to any such modification.

20. Respondent shall pay one (1) type A civil penalty of one thousand dollars (\$1,000.00) for inappropriate and unsafe prescribing for a total amount of one thousand dollars (\$1,000). This civil penalties shall be paid in as many as five (5) yearly payments of \$200 each. The first such payment shall be due within one year of entry of this order. Subsequent payments shall be made yearly thereafter until a total of \$1,000 has been paid. The Disciplinary Coordinator shall be empowered to enter into a payment arrangement providing Respondent additional time to pay these civil penalties should such additional time be required. Respondent's Probation shall not be lifted until these civil penalties are paid in full.

21. Respondent must pay, pursuant to TENN. CODE ANN. § 63-6-214(k), the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Department's Office of Investigations in connection with the prosecution of this matter. These costs shall be established by an Assessment of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall be eight thousand dollars (\$8,000.00). Costs are due within five (5) years of the issuance of the

Assessment of Costs. The Disciplinary Coordinator shall be empowered to enter into a payment arrangement providing Respondent additional time to pay these costs should such additional time be required. Respondent's Probation shall not be lifted until these costs are paid in full.

22. All civil penalties and costs shall be paid by submitting a certified check, cashier's check, or money order payable to the State of Tennessee, mailed or delivered to:

Disciplinary Coordinator
Office of Investigations
Tennessee Department of Health
665 Mainstream Drive
Nashville, Tennessee 37243

The check or money order shall note that it is payable for the civil penalties and/or costs of Teodora Neagu, License No. 12684.

23. Respondent understands and acknowledges this Probation is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (HIPDB) and/or National Practitioner Data Bank (NPDB).

* * *

This Agreed Order was approved by a majority of a quorum of the Tennessee Board of Nursing at a public meeting of the Board and signed this 17 day of November, 2017.


Chairperson
Tennessee Board of Nursing

APPROVED FOR ENTRY:



Teodora A. Neagu
Respondent

11/6/17

Date



Wayne Wykoff 015916
Respondent's Counsel
Wykoff and Sikes, PLLC
135 Fox Rd., Suite B
Knoxville, TN 37922

11/6/2017

Date



Andrew W. Coffman, B.P.R. # 027160
Assistant General Counsel
Tennessee Department of Health
Office of General Counsel
665 Mainstream Drive
Nashville, Tennessee 37243
Phone: (615) 741-1611

11/14/2017

Date

RECONSIDERATION, ADMINISTRATIVE RELIEF AND JUDICIAL REVIEW


Within fifteen (15) days after the entry of an initial or agreed order, a party may file a petition to the Board for reconsideration of the Agreed Order. If no action is taken within twenty (20) days of filing of the petition with the Board, it is deemed denied. TENN. CODE ANN. § 4-5-317.

In addition, a party may petition the Board for a stay of the Agreed Order within seven (7) days after the effective date of the Agreed Order. TENN. CODE ANN. § 4-5-316.

Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective date of the Agreed Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Agreed Order disposing of the petition. TENN. CODE ANN. § 4-5-322.

CERTIFICATE OF FILING

This Order was received for filing in the Office of the Tennessee Secretary of State, Administrative Procedures Division, and became effective on the 20th day of November 2017.




Richard Collier, Director
Administrative Procedures Division

CERTIFICATE OF SERVICE

I do hereby certify that a true and exact copy of the forgoing has been served via U.S. Mail, U.S. Certified Mail, and E-mail upon the following on the 21st day of November, 2017:

Wayne Wykoff, Esq.
Wykoff and Sikes, PLLC
135 Fox Rd., Suite B
Knoxville, TN 37922



Andrew W. Coffman
Assistant General Counsel